JS 44 (Rev. 3/99)

CIVIL COVER SHEET

FILED
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U.S. DISTRICT COURT
N.D. OF ALABAMA

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Katie Lowery, et al

DEFENDANTS

Alabama Power Company, et al.

(b) County of Residence of First Listed Plaintiff Jefferson
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed ______
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Lloyd Gathings, Honora Gathings, GATHINGS LAW, 2001 Park Place North, Suite 500, Birmingham Alabama 35203

Attorneys (If Known)
Teresa G. Minor, Spence Taylor, Tyrell Jordan Balch & Bingham, LLC, 1710 6th Ave. N., Birmingham, Alabama 35203 (205) 226-8789

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☒ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☒ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury— Med. Malpractice
- ☐ 365 Personal Injury — Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence
- Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. Section 1332 (d)(11)(B)(i)

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND $** CHECK YES only if demanded in complaint: **JURY DEMAND:** ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE ______ DOCKET NUMBER ______

DATE 7/17/06 SIGNATURE OF ATTORNEY OF RECORD [signature]

FOR OFFICE USE ONLY

RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

KATIE LOWERY, et al.	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO.:
	)	
HONEYWELL INTERNATIONAL, INC., et al.	)	
	)	
Defendant.	)	

NOTICE OF REMOVAL

Defendant Alabama Power Company ("Alabama Power"), by and through its attorneys, timely files this Notice of Removal pursuant to 28 U.S.C. § 1446, removing the civil action styled *Katie Lowery, et al. v. Honeywell International, Inc., et al.*, CV-05-1749, filed in the Circuit Court of Jefferson County, Alabama, Birmingham Division, to the United States District Court for the Northern District of Alabama. In support of this Notice, Alabama Power states as follows:

1. The above-captioned action was originally commenced by Plaintiffs against twelve industrial Defendants in the Circuit Court of Jefferson County, Alabama, Bessemer Division, on January 24, 2003. A true and correct copy of the Complaint is attached hereto as Exhibit "A."

2. The case was transferred to the Circuit Court of Jefferson County, Alabama, Birmingham Division, on February 15, 2005, because venue was not proper in the Bessemer division.

3. On June 20, 2006, Plaintiffs filed a Third Amended and Recast Complaint ("Third Amended Complaint"), adding Alabama Power as an additional defendant. A true and correct copy of the Third Amended Complaint is attached hereto as Exhibit "B." Plaintiffs' Third

Amended Complaint also added Filler Products Company, Inc. as an additional defendant. As of the date of this Notice, this action involves over 400 plaintiffs and 14 named defendants.

4. Alabama Power first received a copy of the Third Amended Complaint on June 23, 2006, when Plaintiffs served a copy of the Third Amended Complaint, along with process, upon Alabama Power's representative.

5. This lawsuit constitutes a "mass action" as defined by 28 U.S.C. § 1332 (d)(11)(B)(i). Plaintiffs claim damages that have allegedly resulted from the discharge of particulates or gases into the atmosphere and ground water as a result of said particulates and/or gases allegedly settling onto Plaintiffs' properties.

6. Plaintiffs' claims arise from numerous and varying events and occurrences in connection with the operations of multiple industrial enterprises as they relate to facilities situated and processes occurring both in and outside of the state of Alabama.

7. Specifically, Plaintiffs allege that "[p]articulates or gases have been discharged into the atmosphere and into the ground water at facilities operated by the named defendants," and that these same "[p]articulates or gases have traveled through the atmosphere and/or groundwater and onto the plaintiffs' person and/or the plaintiffs' property." Plaintiffs do not claim that their alleged damages arise from an isolated event or a confined period of time. Rather, Plaintiffs claim that "[e]ach defendant . . . has discharged particulates or gases into the atmosphere and into the ground water," has caused or contributed to such discharges, or has failed to inspect the operations of one or more defendants, presumably since the establishment of each subject facility.

8. Congress specifically has recognized that claims of the type asserted by Plaintiffs raise interstate, as opposed to local, issues. The release of particulate matter and hazardous gases

from Alabama Power's facilities is regulated by the Clean Air Act, 42 U.S.C. § 7401 *et seq.*, and all applicable Federal implementing regulation. The United States enacted the Clean Air Act in order to establish a federal program for combating air pollution—a problem specifically found by Congress to be predominantly regional and national in scope, rather than local. *See* 42 U.S.C. § 7401. To this end, the United States Environmental Protection Agency ("EPA") recently issued a final rule further regulating particulate matter and ozone precursor emissions from facilities located in 28 states, including Alabama, due to the interstate nature of air emissions. *See* 70 Fed. Reg. 25,162 (May 12, 2005) (the "Clean Air Interstate Rule" or "CAIR"). As part of the CAIR rulemaking, EPA determined that Alabama was "downwind" from a number of states that significantly contributed to particulate matter levels in Alabama. *See id.* at 25,247-49. Consequently, a significant portion of the claims alleged in Plaintiffs' complaint arise from events or occurrences occurring outside of Alabama and its contiguous states.

9. Plaintiffs have joined monetary relief claims of more than 100 persons and have proposed that said claims be tried jointly on the ground that their claims involve common questions of law or fact.

10. Additionally, Plaintiffs' claims exceed $5,000,000 in the aggregate and each individual claim exceeds $75,000.

11. The Class Action Fairness Act ("CAFA") applies to "any civil action commenced on or after the date of enactment of this Act [February 18, 2005]." Pub. L. No. 109-2, § 9, 119 Stat. 14 (codified as amended in 28 U.S.C. § 1332). Ample authority exists to support the treatment of the addition of a new defendant after the date of enactment of CAFA to an action originally filed pre-CAFA, as the commencement of a new action for purposes of CAFA. *See* *Eufaula Drugs, Inc. v. ScripSolutions*, 2005 WL 2465746 (M.D. Ala.) (recognizing that for

purposes of CAFA the commencement of an action can be particular to a defendant) (citing *Knudsen v. Liberty Mutual Ins. Co.*, 411 F.3d 805, 807 (7th Cir. 2005) ("Removal practice recognizes [that] . . . an amendment to the pleadings that adds . . . a new defendant, opens a new window of removal.")); *see also Schorsch v. Hewlett-Packard Co.*, 417 F.3d 748, 749 (7th Cir. 2005) ("a defendant added after February 18[,2005] could remove because suit against it would have been commenced after the effective date"); *Braud v. Transport Serv. Co.*, 445 F.3d 801, 804 (5th Cir. 2006) ("amendments that add a defendant 'commence' the civil action as to the added party").

12. Accordingly, this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(d). Removal is proper and in accordance with 28 U.S.C. § 1441(a).

13. The United States District Court for the Northern District of Alabama is the district having jurisdiction over the place where the subject civil action is pending.

14. This Notice of Removal is being filed within thirty (30) days of service of the Third Amended Complaint as required by 28 U.S.C. § 1446(b).

15. The Third Amended Complaint and Summons attached hereto as Exhibit "A" constitute all of the process and pleadings served upon Alabama Power in the subject civil action to date as required by 28 U.S.C. §1446(a).

16. All fees required by law in connection with this Notice have been filed by Alabama Power.

17. A copy of this Notice of Removal will be filed with the Circuit Court of Jefferson County, Alabama, as required by 28 U.S.C. §1446(d).

WHEREFORE, Alabama Power hereby removes the above-captioned action now pending in the Circuit Court of Jefferson County, Alabama, Birmingham Division, to the United States District Court for the Northern District of Alabama.

Respectfully submitted,

One of the Attorneys for Defendant,
Alabama Power Company

OF COUNSEL:

Teresa G. Minor
Spencer M. Taylor
Tyrell F. Jordan
BALCH & BINGHAM LLP
Post Office Box 306
Birmingham, AL 35201-0306
Telephone: (205) 251-8100
Facsimile: (205) 226-8798

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following by United States mail, properly addressed and postage prepaid, on this the 17th day of July, 2006 :

Counsel for Plaintiffs Mr. Lloyd W. Gathings Ms. Honora M. Gathings GATHINGS LAW 2001 Park Place North, Suite 500 Birmingham, Alabama 35203 Mr. Bill Thomason Ms. Becky Thomason THOMASON, MAPLES & ALLSUP, LLC P.O. Box 627 Bessemer, Alabama 35201	
Counsel for Bailey PVS Oxides, LLC Mr. James C. Huckaby, Jr. Mr. John W. Scott Ms. Julie N. Ehinger HUCKABY, SCOTT & DUKES, P.C. 2100 Third Avenue North, Suite 700 Birmingham, AL 35203	**Counsel for Hanna Steel Corporation** Mr. Joseph B. Mays, Jr. Mr. Sid J. Trant Mr. Joel M. Kuehnert Mr. Brian M. Blythe BRADLEY ARANT ROSE & WHITE LLP One Federal Place 1819 Fifth Avenue North Birmingham, Alabama 35203
Counsel for Butler Manufacturing Co., Inc. Mr. Steven F. Casey Mr. J. Eric Getty BALCH & BINGHAM LLP P.O. Box 306 Birmingham, Alabama 35201	**Counsel for Honeywell Int'l, Inc. & Allied Signal, Inc.** Mr. Adam K. Peck Mr. Jackson R. Sharman, III Mr. W. Larkin Radney, IV Mr. William E. Bonner LIGHTFOOT, FRANKLIN & WHITE LLC The Clark Building 400 20th Street North Birmingham, Alabama 35203
Counsel for Certain Teed Corporation Mr. Robert H. Sprain, Jr. Mr. Kevin T. Shires SPRAIN & ASSOCIATES, P.C. 201 Beacon Parkway West, Ste. 317 Birmingham, Alabama 35209	**Counsel for U.S. Steel Corporation** Mr. H. Thomas Wells, Jr. Mr. J. Alan Truitt Mr. Christopher J. Williams MAYNARD, COOPER & GALE, P.C. AmSouth/Harbert Plaza, Suite 2400 1901 16th Avenue North Birmingham, Alabama 35203-2618

Filler Products Company, Inc. c/o Gerald Cobern 2281 Bibbville Road Woodstock, Alabama 35188	**Counsel for Vulcan Materials** Mr. De Martenson Mr. Frank E. Lankford, Jr. Mr. S. A. Bradley Baker, III HUIE, FERNAMBUCQ & STEWART, LLP Protective Center Building 3, Suite 200 2801 Highway 280 South Birmingham, Alabama 35223
Counsel for Fritz Enterprises, Inc. Mr. A. F. (Buddy) Smith, Jr. Ms. Sela Stroud BAINBRIDGE, MIMS, ROGERS & SMITH, LLP The Luckie Building 600 Luckie Drive, Suite 415 Post Office Box 530886 Birmingham, Alabama 35253-0886	**Counsel for W.J. Bullock, Inc.** Ms. Patricia Clotfelter Mr. Christopher C. Haug BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, P.C. SouthTrust Tower, 420 North 20th Street, Ste. 1600 Birmingham, Alabama 35203

OF COUNSEL

EXHIBIT "A"

IN THE CIRCUIT COURT FOR JEFFERSON COUNTY, ALABAMA

KATIE LOWERY, et al.,	)
Plaintiffs,	)
V.	) **CIVIL ACTION NO. CV-05-1749**
HONEYWELL INTERNATIONAL, INC., et al.,	)
Defendants.	)

FILED IN OFFICE
ANNE-MARIE ADAMS
Clerk
JUN 20 2006

PLAINTIFFS' THIRD AMENDED AND RECAST COMPLAINT

Come now the plaintiffs in the above-styled cause and, pursuant to leave previously granted by the Court, amend their complaint as follows:

(1) By correcting the named plaintiffs to this action to reflect changes necessitated by previous Orders of the Court;

(2) By adding Alabama Power Company as a defendant to this action and substituting Alabama Power Company for fictitious defendants 21 and 41;

(3) By adding Filler Products Company Inc. as a defendant to this action and substituting Filler Products Company Inc. as a defendant for fictitious defendants 22 and 42; and

(4) By amending the plaintiffs' complaint so as to cause it to read as follows:

COMPLAINT

JURISDICTION AND VENUE

1. The plaintiffs, listed in Exhibit A-2 hereto, owned residences in the Wylam neighborhood of Jefferson County, Alabama or resided in residences in said neighborhood during periods pertinent to this action. The vast majority of said plaintiffs are presently either residents of the Wylam neighborhood or reside in Jefferson County, Alabama.

2. The named defendants are identified more fully as follows:

a. **Honeywell International, Inc. ("Honeywell")** is a corporation, organized under the laws of the State of Delaware, with its principle place of business in the State of New Jersey.

b. **Hanna Steel Corporation ("Hanna")** is a corporation, organized under the laws of the State of Alabama, with its principal place of business in Fairfield, Jefferson County, Alabama. Hanna operates a manufacturing or a fabricating business that is located at 3812 Commerce Avenue, Fairfield, Alabama.

c. **CertainTeed Corporation ("CertainTeed")** is a corporation, organized under the laws of the State of Delaware with its principle place of business in the State of Pennsylvania.

d. **Butler Manufacturing Co. ("Butler")** is a corporation, organized under the laws of the State of Delaware with its principle place of business in the State of Missouri.

e. **Bailey- PVS Oxides, LLC ("Bailey")** is an artificial entity, created under the laws of the State of Michigan, with its principal place of business in the State of Pennsylvania. Bailey operates a manufacturing business that is located at 830 Tin Mill Road, Fairfield, Alabama.

f. **Allied Signal, Inc. ("Allied")** is a corporation whose place of incorporation and principal place of business is unknown to Plaintiff. Plaintiff avers that Allied's name was, at a time presently unknown to the Plaintiffs, merged and/or changed their name to Honeywell International Inc..

g. **ABC Acquisitions ("ABC")** us a corporation, organized under the laws of the laws of the State of Delaware. ABC's principal place of business is currently unknown to the Plaintiff.

h. **Polymer Coil Coaters, Inc. ("PCC")** is a name under which one the fictitious Defendants is doing business or has done business; or, PCC is a name under which ABC is doing business or has done business.

i. **United States Steel Corporation ("USS")** is a corporation, organized under the laws of the State of Delaware, with its principal place of business in the State of Pennsylvania.

j. **W.J. Bullock, Inc. ("Bullock")** is a corporation, organized under the laws of the State of Delaware, with its principal place of business in the Bessemer Division of Jefferson County, Alabama.

k. **Fritz Enterprises, Inc. ("Fritz")** is a corporation, organized under the laws of the State of Michigan, with its principal place of business in the State of Pennsylvania.

l. **Vulcan Materials Company, a corporation ("Vulcan")** is a corporation, organized under the laws of the State of New Jersey, with its principal place of business in the State of Alabama.

m. **Alabama Power Company** is a corporation incorporated in the State of Alabama;

n. **Filler Products Company Inc.** is a corporation incorporated in the State of Alabama.

3. The fictitious defendants are identified more fully as follows:

a. **DEFENDANTS 1** through **20**, are the correct names of the named defendants who, in the event the Plaintiffs have not properly named one or more of the named defendants, name them fictitiously and aver that any named defendant or any entity who is doing business under names listed as named defendants, is named fictitiously.

b. **DEFENDANTS 21** through **40**, are entities who, in conjunction with the named and fictitious, are discharging pollutants into the atmosphere near the plaintiffs' residences.

c. **DEFENDANTS 41** through **60**, are entities who manufactured, refined, made, combined, formed or otherwise caused the existence of the toxic substances that became airborne near the plaintiffs' residences or combined with other substances that became airborne and who caused personal injury to the plaintiffs and/or to the plaintiffs' property.

d. **DEFENDANTS 61** through **80**, are entities (including insurance carriers) who inspected or were under a duty to inspect the premises of the defendants that are located near the plaintiffs' property.

e. **DEFENDANTS 81** through **100**, are entities who manufactured, serviced, sold, leased or entered into any other type transaction that resulted in pollution control equipment being placed on the premises of the defendants that are near the plaintiffs' property.

f. **DEFENDANTS 101** through **120**, are entities who planned construction or modification of the equipment for use in the operations of the defendants' businesses that are, or were, being operated near the plaintiffs' property or who owed a duty to plan for the construction or modification of such equipment and failed to do so.

4. Each defendant, named and fictitious, has discharged particulates or gases into the atmosphere and into the ground water; or has caused or contributed to cause particulates or gases to be discharged into the atmosphere or the ground water; or has been under a duty to inspect the operations of one or more of the other defendants. Particulates or gases have been discharged into the atmosphere and into the ground water at facilities operated by the named defendants or one or more of the fictitious defendants; which particulates and/or gases have traveled through the atmosphere and/or ground water and onto the plaintiffs' person and/or the plaintiffs' property.

5. The plaintiffs, as a proximate consequence of the acts of the defendants, or the failure of the defendants to act, have been caused to suffer the following injuries and damages: their property has been damaged and rendered less valuable; they have been caused to suffer mental anguish; they will, in the future, be caused to suffer mental anguish; they have been caused to lose the use and enjoyment of their property; they will, in the future, be caused to lose the use and enjoyment of their property. The plaintiffs claim compensatory and punitive damages in an amount to be determined by a jury, in excess of the minimum jurisdictional limit of this court.

COUNT ONE

(Trespass to Person and to Realty)

6. Plaintiffs incorporate paragraphs 1-5 as if set forth in this count in their entirety.

7. The plaintiffs aver that the defendants, Honeywell, Hanna, CertainTeed, Butler, Bailey, Allied, ABC, PCC, USS, Bullock, Fritz, Vulcan, Alabama Power Company, Filer Products

Company Inc. and the Fictitious Defendants 1 through 40 have committed, and are committing, trespasses to their person and to their realty.

8. The aforesaid trespass of the defendants, Honeywell, Hanna, CertainTeed, Butler, Bailey, Allied, ABC, PCC, USS, Bullock, Fritz, Vulcan, Alabama Power Company, Filler Products Company Inc. and the Fictitious Defendants 1 through 40, combined and concurred, and as a proximate consequence thereof, the plaintiffs suffered the aforesaid injuries.

WHEREFORE, the plaintiffs demand judgment against said defendants in an amount of compensatory and punitive damages to be determined by a jury in excess of the jurisdictional minimum of this Court, together with interest from the date of injury, and the costs of this proceeding.

COUNT TWO

(Negligent, Wanton or Intentional Injury)

9. Plaintiffs incorporate paragraphs 1-5 as if set forth in this count in their entirety.

10. The plaintiffs aver that the defendants, named and fictitious, have negligently, wantonly or intentionally caused them injury by discharging pollutants into the atmosphere and/or into the ground water.

11. The aforesaid negligent, wanton or intentional conduct of the defendants, Honeywell, Hanna, CertainTeed, Butler, Bailey, Allied, ABC, PCC, USS, Bullock, Fritz, Vulcan, Alabama Power Company, Filler Products Company Inc. and the Fictitious Defendants, combined and concurred, and as a proximate consequence thereof, the plaintiffs suffered the aforesaid injuries.

WHEREFORE, the plaintiffs demand judgment against said defendants in an amount of compensatory and punitive damages to be determined by a jury in excess of the jurisdictional minimum of this Court, together with interest from the date of injury, and the costs of this proceeding.

COUNT THREE

(Nuisance)

12. Plaintiffs incorporate paragraphs 1-5 as if set forth in this count in their entirety.

13. The plaintiffs aver that the defendants, Honeywell, Hanna, CertainTeed, Butler, Bailey, Allied, ABC, PCC, USS, Bullock, Fritz, Vulcan, Alabama Power Company, Filler Products Company Inc. and the Fictitious Defendants 1 through 40 have created and are creating a nuisance that has caused injury to the plaintiffs.

14. The aforesaid wrongful conduct of the defendants, Honeywell, Hanna, CertainTeed, Butler, Bailey, Allied, ABC, PCC, USS, Bullock, Fritz, Vulcan, Alabama Power Company, Filler Products Company Inc. and the Fictitious Defendants 1 through 40, combined and concurred, and as a proximate consequence thereof, the plaintiffs suffered the aforesaid injuries.

WHEREFORE, the plaintiffs demand judgment against said defendants in an amount of compensatory and punitive damages to be determined by a jury in excess of the jurisdictional minimum of this Court, together with interest from the date of injury, and the costs of this proceeding.

COUNT FOUR

(Outrageous Conduct)

15. Plaintiffs incorporate paragraphs 1-5 as if set forth in this count in their entirety.

16. The plaintiffs aver that the defendants, Honeywell, Hanna, CertainTeed, Butler, Bailey, Allied, ABC, PCC, USS, Bullock, Fritz, Vulcan, Alabama Power Company, Filler Products Company Inc. and the Fictitious Defendants 1 through 40 have, with knowledge that they are diminishing the ability of the plaintiffs to use and enjoy their property and with further knowledge that they may be causing the plaintiffs to suffer physical injury and with further knowledge that they were likely to cause the plaintiffs extreme emotional distress, discharged and continued to discharge pollutants into the atmosphere and into the ground water that said defendants knew would travel through the atmosphere or ground water and cause the plaintiffs injury to their property and extreme emotional distress.

17. The aforesaid wrongful conduct of the defendants, Honeywell, Hanna, CertainTeed, Butler, Bailey, Allied, ABC, PCC, USS, Bullock, Fritz, Vulcan, Alabama Power Company, Filler Products Company Inc. and the Fictitious Defendants 1 through 40, combined and concurred, and as a proximate consequence thereof, the plaintiffs suffered the aforesaid injuries.

WHEREFORE, the plaintiffs demand judgment against said defendants in an amount of compensatory and punitive damages to be determined by a jury in excess of the jurisdictional minimum of this Court, together with interest from the date of injury, and the costs of this proceeding.

COUNT FIVE

(Product Claim against Fictitious Defendants)

18. Plaintiffs incorporate paragraphs 1-5 as if set forth in this count in their entirety.

19. The plaintiffs aver that the defendants 41-60 and 81-120:

a. Manufactured a product that was not reasonably safe when used in the manner that said Defendants intended that it be used.

b. Sold a product in commerce and impliedly warranted that the property was safe and breached said implied warranty for that the property was not reasonably safe.

c. Manufactured or sold or distributed a product that, when placed in use in the manner that was reasonably anticipated, would cause pollution or contribute to cause pollution and caused injury to the plaintiffs by breaching a warranty of fitness or caused injury under circumstances that make such defendants liable to the plaintiffs under the provision of the Alabama Extended Manufacturers Liability Doctrine.

d. Owed a duty to warn of hazards associated with the use of the product and breached implied warranties of fitness or negligently, wantonly or intentionally failed to adequately warn.

e. Otherwise breached duties to the plaintiffs and caused them injuries.

20. The aforesaid wrongful conduct of said defendants combined and concurred, and as a proximate consequence thereof, the plaintiffs suffered the aforesaid injuries.

WHEREFORE, the plaintiffs demand judgment against said defendants in an amount of compensatory and punitive damages to be determined by a jury in excess of the jurisdictional minimum of this Court, together with interest from the date of injury, and the costs of this proceeding.

COUNT SIX

(Trespass to Person and to Realty)

21. Plaintiffs incorporate paragraphs 1-5 as if set forth in this count in their entirety.

22. The plaintiffs aver that defendants 61 through 80 and 101 through 120 inspected one or more of the premises of the defendants, Honeywell, Hanna, CertainTeed, Butler, Bailey, Allied,

ABC, PCC, USS, Bullock, Fritz, Vulcan, Alabama Power Company, Filler Products Company Inc. and the Fictitious Defendants 1 through 40 have; or, were under a duty to inspect such premises and failed to do so; or, engineered for construction of such premises or for the installation of equipment thereon; or reviewed engineering plans for the construction of such premises and/or the installation of equipment thereon; or, owed a duty to perform services for other defendants related to the operation of premises near the plaintiffs property.

23. Said defendants negligently, wantonly or intentionally breached their duty and/or negligently, wantonly or intentionally contributed to cause the injuries to the plaintiffs that are described herein.

24. The aforesaid wrongful conduct of said defendants combined and concurred, and as a proximate consequence thereof, the plaintiffs suffered the aforesaid injuries.

WHEREFORE, the plaintiffs demand judgment against said defendants in an amount of compensatory and punitive damages to be determined by a jury in excess of the jurisdictional minimum of this Court, together with interest from the date of injury, and the costs of this proceeding.

Lloyd W. Gathings (GAT 001)
Honora M. Gathings (GAT 003)
Attorneys for Plaintiffs

OF COUNSEL:

Gathings Law
2001 Park Place N., Ste. 500
Birmingham, AL 35203
T 205.322.1201
F 205.322.1202

Thomason and Maples, LLC
Post Office Box 627
Bessemer, Alabama 35021
Phone: 205-428-0702

PLAINTIFFS DEMAND A TRIAL BY STRUCK JURY.

OF COUNSEL

Please Serve Alabama Power Company and Filler Products Company Inc. by certified mail as follows:

Alabama Power Company
c/o Steve Fleming
600 N 18th St.
Birmingham, AL 35291

Filler Products Company Inc.
C/o Gerald Cobern
2281 Bibbville Road
Woodstock, AL 35188

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing on the below named parties/attorneys of record by placing a copy the United States Mail, properly addressed, proper first class, postage prepaid, this the 20th day of June, 2006.

W. Larkin Radney, IV, Esq.
William E. Bonner, Esq.
Jackson R. Sharman, III, Esq.
LIGHTFOOT, FRANKLIN & WHITE, LLC
The Clark Building
400 20th Street North
Birmingham, Alabama 35203-3200
(Counsel for Allied Signal, Inc. & Honeywell International, Inc.)

James C. Huckaby, Jr., Esq.; John W. Scott, Esq.
L. Jackson Young, Jr., Esq.; Julie Nesbitt Ehinger, Esq.
HUCKABY SCOTT & DUKES
Concord Center
2100 Third Avenue North, Ste. 700
Birmingham, Alabama 35203
(Counsel for Bailey-PVS Oxides, LLC)

Steven F. Casey, Esq.
J. Eric Getty, Esq.
Jenelle R. Evans, Esq.
BALCH & BINGHAM, LLP
1710 6th Avenue North
Post Office Box 306
Birmingham, Alabama 35201-0306
(Counsel for Butler Manufacturing Company)

Robert H. Sprain, Jr., Esq.
SPRAIN & ASSOCIATES, P.C.
201 Beacon Parkway West, Ste. 317
Birmingham, Alabama 35209
(Counsel for CertainTeed Corp.)

Kevin Tannehill Shires
742 Euclid Avenue
Birmingham, Alabama 35213
(Additional Counsel for CertainTeed Corp.)

Alfred F. Smith, Jr., Esq.
Sela E. Stroud, Esq.
BAINBRIDGE, MIMS, ROGERS & SMITH, LLP
The Luckie Building, Ste. 415
600 Luckie Drive
Post Office Box 530886
Birmingham, Alabama 35253
(Counsel for Fritz Enterprises, Inc.)

Joseph B. Mays, Jr., Esq.; Sid J. Trant, Esq.
Joel M. Kuehnert, Esq.; Brian M. Blythe, Esq.
BRADLEY ARANT ROSE & WHITE, LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, Alabama 35203
(Counsel for Hanna Steel Corporation)

H. Thomas Wells, Jr., Esq.; J. Alan Truitt, Esq.
Chris J. Williams, Esq.; Katie Vreeland Loggins, Esq.
Damon Bart Turner, Esq.
MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, Alabama 35203-2618
(Counsel for United States Steel Corporation)

Eugene D. Martenson, Esq.
Frank E. Lankford, Jr., Esq.
S.A. Bradley Baker, III, Esq.
HUIE, FERNAMBUCQ AND STEWART, LLP
Protective Center Building 3, Ste. 200
2801 Highway 280 South
Birmingham, Alabama 35223-2484
(Counsel for Vulcan Materials)

Patricia Clotfelter, Esq.
Christopher C. Haug, Esq.
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, P.C.
SouthTrust Tower
420 North 20th Street, Ste. 1600
Birmingham, Alabama 35203
(Counsel for W. J. Bullock, Inc.)

[signature]
OF COUNSEL

EXHIBIT A-2
NAMED PLAINTIFFS

Valeria	Adams	1212 Richmond St/ 1615 Washington St., Dolomite
Clarence & Janet	Agee	5425/5429 11th Avenue
Marion	Albright	1514 56th Street Wylam
Jeffery	Allen	4107 6th Court
Tommy	Allen	1104 Richmond Street
Edgar	Allen	
Doris Wallace	Anderson	1621 56th Street Wylam
Betty & Emmanuel	Ayanwale	4304 10th Avenue Wylam
LaTarsha	Bailey	1021 Seattle Street
Paulette	Bailey	1021 Seattle Street
Roy	Bailey, Jr.	1021 Seattle Street
Roy	Bailey, Sr.	1021 Seattle Street
Polly	Banks	1238 Indiana Street
Clarence	Banks, Sr.	1238 Indiana Street
Bossie Mae	Battle	825 Lexington Street
Phillip & Shirley	Battle	1218 Frisco Street Wylam
Cleophus	Bearden	4416 14th Avenue Wylam
Gwendolyn	Bearden	4416 14th Avenue Wylam
Rameisha	Bearden	4416 14th Avenue Wylam
Evelyn	Beasley	1024 Erie Street
Vernesta	Bell	1112 Portland Street
Joe	Benefield	4408 15th Avenue
Melodie	Benefield	4408 15th Avenue
Tiffany	Benefield	4408 15th Avenue
Cynthia Round	Bennett-Jefferson	1404 Gulfport Street
Irene	Berry	1408 Indiana Street
Bernice	Bivins	3605 7th Court Wylam
Joanna	Black	3803 7th Avenue
Cornelius	Blaylock	5409 12th Ave./1105 Seattle St.
Horace & Delores	Blevins	1317 Jersey St/731 Buffalo St/ 4515 12th Ave
Jacqueline	Body	905 Buffalo Street
Komis	Body	3701 9th Avenue Wylam
Veronica	Boissel	1312 Gulfport Street
Dorothy	Bone	
Gwendolyn	Bonner	1501 56th Street
Michael	Bonner	1501 56th Street
Terry Ann	Bradley	4100 9th Avenue
Carolyn	Brannon	1412 Gulfport Street
Robin	Brannon	1412 Gulfport Street
Robert	Brannon, Jr.	1412 Gulfport Street
Courtney	Brown	905 Buffalo Street
Jamerle	Brown	4109 11th Avenue Wylam
Reginald	Brown	7328 Denmark Avenue
Rondell	Brown, Jr.	4109 11th Avenue Wylam
Willie	Bryant, Jr.	4221 9th Avenue Wylam
Wanda	Bufford	1410 56th Street

Willy James	Bufford	1418 56th Street Wylam
Helen	Bullock	1300 Gulfport Street
Tillmon, Jr. & Barbara	Bullock	1300 Gulfport Street
Charles M., Sr. & Mary	Butler	4628 8th Avenue Wylam
Juanita	Butler	1300 Erie Street/4628 8th Ave.
Charles M.	Butler, Jr.	4628 8th Avenue
Carl	Byrd	4421 10th Avenue Wylam
Michelle	Byrd	4421 10th Avenue Wylam
Natarra	(Byrd) Waters	4421 10th Avenue
Rayford	Byrd	
Vanessa	Byrd Briggs	
Wanda	Byrd	4421 10th Avenue Wylam
Willie	Byrd, Jr.	4421 10th Avenue
DeJuan	Cade	4404 15th Avenue
Sheila	Cade	1229 Frisco Street Wylam
Willie E.	Cade	4404 15th Avenue
Willie J.	Cade	1416 Gulfport St/4404 15th Ave.
Antonio	Caffey	1227 Indiana Street
LaCedric	Carter	3916 10th Ave/1421 Gulfport St
Novella	Carter	3916 10th Ave/4416 14th Ave
Ora	Carter	3916 10th Ave/1421 Gulfport St
William	Carter	
Linda	Cash	1619 55th Street
Arlene W.	Chambers	1411 56th Street
Betty Jean	Chames	n/a
Thomasina	Chatman	1213 Gulfport St/1240 Erie St
Joseph A.	Clements	1312 Gulfport Street
Kathy	Clements	1312 Gulfport Street
Fairris	Cobb	1300 Gulfport Street
Marcus	Cochran	1105 Seattle Street
Mary	Cochran	1105 Seattle Street
Tiana	Coleman	4109 11th Avenue Wylam
Lesandra	Collins	3709 7th Avenue
Patricia	Cook	1216 Indiana St./4400 14th Avenue
Charlie	Cooper	917 Erie Street
Patricia	Cooper	308 Nevada Street
Sandra	Crosby	1413 Gulfport Street
Bradford	Curry	3704 9th Ave/4514 12th Ave
Darryl	Curry	7217 Belgium Avenue
Carrie	Davidson	7241 Belgium Avenue
O'livia	Davidson	1117 Indiana Street
Darryl	Davis	1225 Richmond Street
Desmond	Davis	1225 Richmond Street
Edward,Sr. & Glenzel	Davis	1225 Richmond Street
Paul	Davis	
Samuel	Davis	
Vanessa & Edward, Jr.	Davis	
Sondrea	Davis-Gunn	1225 Richmond Street
Charles & Angela	DeLoach	4100 9th St/822 Erie Street
Reginal & Claudette	Denson	4213 9th Avenue
Talese	Denson	4213 9th Avenue

LaTasha	Denson	4213 9th Avenue
Irene Sellers	Derrico	1117 Portland Street
Christopher	Dixon	1014 Gulfport Street
Charles	Drakes	4416 14th Avenue Wylam
Corey, Sr. & Barbara	Dubose	1100 Indiana Street
Rubin & CaSandra	Duff	1224 Indiana Street
Jackie	Edwards	1009 Seattle St/1620 56th St
Glendon & Mary	Ethridge	3739 7th Avenue
Darryl & Patricia	Fann	4412 12th Court
Sophronia	Fells	1317 Frisco Street
Pearlie (Yvonne)	Fisher	705 Albany Street
Tekela	Fisher	705 Albany Street
Victoria	Fisher	705 Albany Street
Khaliliah	Fitts	525 Cambridge Street
Terri Smith	Fitzpatrick	1415 56th Street Wylam
Joseph	Foreman, Jr.	1500 56th Street
Rita	Gadsden	1233 Frisco Street
Roderick	Gadsden, Jr.	
Roderick	Gadsden, Sr.	1233 Frisco Street Wylam
Bruce & Comerine	Garner	1407/1513 55th Street
Mary	Garrett	1320 Gulfport Street
Raymond & Geraldine	Glover	5232 8th Avenue
Rev. James	Gooden, Jr.	1220 Portland Street
Melvin	Grant	1224 Portland Street
Carl	Green	1605 56th Street
Constance	Green	1605 56th Street
Napoleon	Green, Jr.	4429 14th Avenue
Ishmywel	Gregory	804 Albany Street
Latifah	Gregory	804 Albany Street
Vicki	Gregory	920 Indiana Street
Sherita	Gunter	12th Street
Debbie J.	Hamby	1117 Portland Street
Charlie & Ella	Hamilton	1405 56th Street
Keondra	Hampton	4219 9th Avenue Wylam
Ida Mae	Hardy	4720 9th Avenue
Aldonia	Hargrove	1221 Jersey Street Wylam
Willie Avos	Hargrove	1225 Jersey Street Wylam
Eddie	Hargrove, Jr.	1221 Jersey Street
Cynthia	Harris	4121 14th Avenue
Michael	Harris	4121 14th Avenue
Fannie	Hayes	312 Nevada Street
Arlexie	Henderson	4520 10th Ave/501 Buffalo/ 4514 10th Ave
Deginald & Bernida	Hill	4115 6th Court
Rodreicas	Hill	1237 Frisco Street
Zephry	Hill	1237 Frisco Street
LaQuita	Hilton	912 Erie Street Wylam
Ola Marie	Hilton	912 Erie Street Wylam
Mary Alice	Hinton	4220 10th Avenue Wylam
Deborah	Hodge	1215 Frisco Street
Hazel	Holiness	1309 Gulfport Street
Daniel	Holiness, Jr.	1309 Gulfport Street

Alfonso	Hood	5428/5429/5433 12th Ct.
J.D. & Hattie B.	Hood	1515 56th Street
Jimmy Lee	Hood	1008 Richmond Street
Evlener	Howard	1113 Portland Street
Kiette & LaCandace	Hunter	4400/4408 15th Avenue
Nakeia	Hunter	816 Knoxville Street
Sandra & Judge	Hunter	4514 10th Avenue Wylam
Bridget	Ivy	5421 11th Avenue
Marjorie	Ivy	761 Albany Street
Shirley	Ivy	705 Albany Street
Annie	Jackson	1410 56th Street
Beverly	Jackson	1410 56th Street
Bobbie	Jackson	1233 Frisco Street
Clyde	Jackson	1410 56th Street
Reginald	Jackson	1410 56th Street
John	Jackson, Jr.	1410 56th Street
John	Jackson, Sr.	1410 56th Street
Brenda	Jamar	1410 56th Street Wylam
Walter & Olivia	James	1309 Frisco Street
Mary Lee	Jarman	1209 Indiana Street
Anthony & Benita	Johnson	312 B Memphis Street
Clarence	Johnson	4913 7th Avenue
Derrio'Tay L.	Johnson	4216 11th Avenue
Jerome	Johnson	309 Nevada Street
Reginald	Johnson	
Willie	Johnson	1008 Richmond Street
Clara	Jolly	
Gregory & Rhonda	Jones	1405 Gulfport Street
Hattie	Jones	
Johnetta	Jones	4405 14th Avenue
Johnne'y	Jones	4405 14th Avenue
Johnny & Angelias	Jones	4405 14th Avenue
Levy	Jones	1233 Richmond Street
Ozbird	Jones	1404 Gulfport Street
Viola	Kelley	914 Detroit Street
Leeandrea	Key	1233 Frisco Street
Patrice	Key	1233 Frisco Street
Tomeka	King	1210 Gulfport St./1229 Gulfport St.
Ora	Latham	903 Buffalo Street
Robin	Lauer	1312 Gulfport Street
Anttwon	Lawrence	1241 Richmond Street/ 1222 Erie Street
April	Lawrence	3701 9th Avenue
Brenda	Lawrence	1116 Richmond St/705 Knoxville St
Curley	Lawrence	1222 Erie Street Wylam
Jayquwee	Lawrence	1241 Richmond Street/ 1222 Erie Street
Joyce	Lawrence	3701 9th Avenue
Shannon	Lawrence	3701 9th Avenue
Tracy	Lawrence	1221 Richmond Street
Ronald	Lawrence, Jr.	3701 9th Avenue
Harvey & Shelia	Lawson	521 Buffalo Street

Takiya	Lawson	521 Buffalo Street
Tenya	Lawson	521 Buffalo Street
Troya	Lawson	521 Buffalo Street
Mae Dell	Leonard	5420 12th Avenue
Antonio	Levert	4105 11th Avenue
Zadie	Lewis	4420 10th Avenue
Annie N.	Lloyd	
Willie, Jr. & Minnie	Lloyd	3716 7th Avenue
Richard & Katie	Lowery	1312/1316/1321 Gulfport St.
Johnnie Mae	Loyd	5428 13th Avenue
Aldonia	Lucy	1221/1225 Jersey Street
Nobie	Lucy	1221/1225 Jersey Street
Rosevelt	Lucy	1225 Jersey Street
Ramon & Yasma	Luster	701 Albany Street
Gina	Mack	1220 Seattle Street
James & Lula Mae	Mack	1611 55th Street
Linda	Mack-Webb	5428 13th Avenue Wylam
Michael	Major	321 Albany Place Wylam
Vondale	Mallory	1008 Richmond Street
Alicia	Marshall	804 Albany Street
Felicia Mason	& Anddrew Tabb	1222 Erie Street
Freeman & Bertha	Maxwell	1232 Frisco Street
Linda Sellers	May	1117 Portland Street
Ruby	McCants	4916 7th Avenue
Robert	McCarty	7328 Denmark Avenue
Simuel	McConico	1324 Gulfport Street
Michael & Deborah	McFarland	1305 Frisco Street
Danny & Nancy	Meeks	1615 55th Street
Roger & Dianne	Melton	4401 14th Avenue Wylam
Lori Kay	Menefee	4107 6th Court
Nathaniel	Miller	5421 12th Avenue
Robert & Marcella	Moncrief	701 Albany Street
Tangela	Monett	4408 12th Court Wylam
Darryl	Moore	3709 7th Avenue
Debra	Moore	1112 Portland Street
James & Fontella	Moore	3709 7th Avenue Wylam
James & Ola Pearl	Moore	1112 Portland Street
LaMarse	Moore	7328 Denmark Avenue
Willie	Morgan, Jr.	
Bryant	Moss	4204 10th Avenue
Annie J.	Murray	7405 Denmark Avenue
Caroline & Alvin, Sr.	Nash	1221 Jersey Street
Bernice	Naugher	4313 5th Court
Annie Lee	Parker	
Daniel	Parks	1309 Frisco Street
Andrea	Paulding	4205 6th Ct/1241 Richmond St
Earnestine	Paulding	1415 56th Street Wylam
Orlandis	Paulding	1415 56th Street Wylam
Orlando	Paulding	1241 Richmond Street
Roshanta	Paulding	1222 Erie Street
Darryl & Valerie	Peterson	2616 Avenue D

Anthony	Powell	822 Erie Street
Kyadraine	Powell	1221 Jersey Street
Mary Mack	Powell	5429 12th Avenue
Quintice & Sonseeahray	Powell	1220 Jersey Street
Elizabeth	Proctor	312 Oregon Street
Julius	Purcell	3741 7th Avenue Wylam
Audrey	Purifoy	1227 Indiana Street
Amelia	Redd	4316 11th Avenue
Jermaine	Redd	4316 11th Avenue
Tyesha	Redd	4316 11th Avenue Wylam
Hueydean	Render	3737 5th Avenue Wylam
Rayquisha	Render	3737 5th Avenue Wylam
Shanita	Render	3737 5th Avenue Wylam
Harriet	Reynolds	4219 9th Avenue
Kennedy	Rice	1601 56th Street
James A.	Robinson	
Mary	Robinson	1320 Gulfport Street
Constance Mack	Rodgers	5432 12th Avenue
Makeda	Rodgers	5432 12th Avenue
Ed	Rogers, Jr.	5432 12th Avenue
Lila B.	Ross	1229 Jersey Street
Raymond & Willie Mae	Round	1404 Gulfport Street
Myrtle	Sankie	
Edith Cooper	Scales	4401 14th Avenue Wylam
Carolyn	Scott	4120 11th Avenue
Kenneth & Grace	Scott	1313 Jersey Street
LaDarrius	Scott	
Nikkia	Scott	
Paula Y. Hill	Scroggins	4400 15th Ave/4408 11th Ave
Catrina	Seals	4204 10th Avenue
Jessie M.	Seals	910 & 907 Knoxville Place
William & Frances	Seals	4204 10th Avenue
Jessica	Seals-Hill	910 Knoxville Place
Ernest	Sebastian	1116 Richmond St/705 Knoxville St
Bertha	Sellers	1117 Portland Street
Era M.	Sellers	1117 Portland Street
Tavaneka Nicole	Sellers	
Phil	Sellers, Jr.	
Phil	Sellers, Sr.	1117 Portland Street
Delores	Shelton	5404 11th Avenue Wylam
O'Neal	Shelton	5404 11th Avenue Wylam
Reginald	Shelton	5404 11th Avenue Wylam
Terry	Shelton	5404 11th Avenue Wylam
Dorothy	Simmons	4200 10th Avenue
London	Sims	7424 Denmark Avenue
William & Anita	Smelley	1217 Gulfport St/4900 Gulfport St
Erryca L.	Smith	1416 Gulfport Street
Juanita	Smith	1415 56th Street Wylam
Morris	Smith	1416 Gulfport St. Wylam
Moses	Smith	1614 55th Street
Nathaniel	Smith	1415 56th Street Wylam

Wesley & Alesia	Smith	1228 Gulfport Street
Janice	Smith-Foy	4420 11th Ave/4416,4317 10th Ave
Barbara	Solomon	1117 Indiana Street
LaQuita	Sparks	4412 12th Court
Roscoe	Stephens	7224 Belgium Ave/496 Barbara Lane
Willie D.	Stephens	7224 Belgium Avenue
Evera	Stevenson	1412 56th Street
Russel	Stover	
Adrienne	Taylor	1300 Gulfport Street
Carlos	Taylor	1300 Gulfport Street
Elnora	Taylor	1411 56th Street
Larry	Taylor	1001 Jersey Street
Tonetta	Taylor	1305 Gulfport Street
Wanda	Taylor	1305 Gulfport Street
Tiuana	Thomas	4204 10th Avenue
Willie B.	Thomas, Jr.	Edgewater
Douglas	Thornton	4308 15th Avenue
Sonya	Tolbert	1209 Indiana Street
Zelneta	Tolbert	4705 8th Avenue
Vanessa	Trotter	1238 Indiana Street
Lester & Brenda	Tubbs	1012 Detroit St/1015 Erie St
Shaqueta	Tubbs	1015 Erie Street
Maggie	Turner	
Robert	Turner	
Gloria	Vail	929 Knoxville Place
J.C.	Vail	
Marion J.	Vail	5412 12th Avenue
Mary	Vail	929 Knoxville Place
Tommy & Ethel	Vail	5412 12th Avenue
Charles & Mary	Vandiver	5418 11th Avenue Wylam
Bettye	Vann	300 Memphis Street
Paula	Vassar	1241 Jersey Street
Cedrick	Walker	5416 West Terrace
Vanessa	Walker	
Vendra	Walker	
Willie James	Walker	
Tywanna	Walker	300 Memphis St/312 Oregon St
Willie James	Walker, Jr.	
Barbara	Wallace	7457 Arabia Ave/496 Barbara Lane
David	Wallace	1133 North Indiana Street
Monroe	Wallace	1209 Richmond Street
Delisa	Waters	4421 10th Avenue Wylam
Quarry	Waters	
Michelle	Watson	537 Erie Street
Lola	Wheeler	4300 9th Avenue
Timothy	White	1514 56th Street Wylam
Joey	Whitehead	1225 Jersey Street
Ivy Johnson	Whitson	4216 11th Avenue Wylam
James	Whitson	4216 11th Avenue Wylam
Sabrina	Wiesebrock	4404 15th Avenue
Brenda	Williams	

Carlton	Williams	
Colvin	Williams	1235 Gulfport Street
Dorothy	Williams	902 Knoxville Place
Ralph	Williams	920 Indiana Street
Walter, Sr. & Mamie	Williams	537 Buffalo Place
Marcus	Willingham	1217 Gulfport Street
Marsha	Willingham	4200 9th Ave/1217 Gulfport St
William	Willingham	1217 Gulfport Street
Juanita	Willis	
LaFonza	Wilson	4401 12th Avenue
Nathaniel & Victoria	Wilson	816 Knoxville Street
Dennis & Michelle	Wingo	1226 Gulfport Street
Joyce	Wolfe	
LaQuaris	Woods	1225 Jersey Street
Beverly	Wright	1322 Frisco Street
Leroy	Wright, Jr.	5410 11th Avenue
Shelia	Young	4200 6th Court/4408 12th Court

IN THE CIRCUIT COURT FOR JEFFERSON COUNTY, ALABAMA

KATIE LOWERY, et al.,	)
Plaintiffs,	)
V.	) **CIVIL ACTION NO. CV-05-1749**
HONEYWELL INTERNATIONAL, INC., et al.,	)
Defendants.	)

FILED IN OFFICE
ANNE-MARIE ADAMS
Clerk
JUN 20 2006

3rd amended
SUMMONS

This service of this summons is initiated upon the written request of Plaintiff's attorney pursuant to the Alabama Rules of Civil Procedure.

NOTICE TO : **Alabama Power Company**
c/o Steve Fleming
600 North 18th Street
Birmingham, Alabama 35291

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written answer, either admitting or denying each allegation in the Complaint to GATHINGS LAW, attorneys for plaintiff, 2001 Park Place North, Ste. 500, Birmingham, AL 35203. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN TWENTY (20) DAYS FROM THE DATE OF THE DELIVERY OF THIS SUMMONS AND COMPLAINT OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward. The Clerk's address is: Anne-Marie Adams, Circuit Court Clerk of Jefferson County, 400 Courthouse, 716 North Richard Arrington, Jr. Blvd., Birmingham, Alabama 35203.

Anne-Marie Adams
Clerk of Court

Dated: JUN 21 2006